

In the Supreme Court of the State of Alaska

Fred W. Triem,

Appellant,

v.

**Kake Tribal Corporation, Arlene
Hanson, et al.,**

Appellees.

Clifford W. Tagaban,

Appellant,

v.

**Kake Tribal Corporation, Harold
Martin, et al.,**

Appellees.

Trial Court Case No. **1PE-90-00072CI**

Supreme Court Nos. **S-17767/S-17846**

Order Proposed Changes to Caption

Date of Order: **10/14/2020**

The first of these two consolidated appeals, S-17767, was filed on 4/4/2020 from a 2/18/2020 superior court order in Case No. 1PE-90-00072CI. The superior court caption identifies Arlene Bell Hanson, Victor Carl Davis Jr., and Clifford William Tagaban as representatives of a plaintiff class (the Hanson class), but superior court orders removed Tagaban from that position and identify Dr. Paul Fay as the sole current Hanson class representative. The Supreme Court docketing statement in S-17767, however, identifies former class counsel Fred Triem and Tagaban as the appellants and Kake Tribal Corporation (KTC) as the appellee.

The second of these consolidated appeals, S-17846, was filed on 8/3/2020 from a 6/30/2020 superior court order in Case No. 1PE-95-00001CI. The caption of that superior court case identifies Frederick Charles Nauska, Sr. and Tagaban as plaintiffs, Harold Martin, for himself and all others similarly situated, as plaintiff/intervenor, and KTC as defendant. The Supreme Court docketing statement in S-17846 identifies Tagaban as the appellant and KTC as the appellee.

The appellants in the two appeals moved to consolidate them. KTC filed a qualified opposition, not objecting to consolidation but maintaining that the appellants lacked standing to pursue either appeal. By order dated 8/19/2020, this court ordered that the two appeals be consolidated. The revised case caption showed Triem as the appellant in S-17767 and Tagaban as the appellant in S-17846, with KTC and “Arlene Hanson, et al.” identified as the appellees in both cases.

On 9/9/2020, the “Martin Class members” moved “to be identified as appellees” in S-17846, pointing out that the 6/30/2020 order from which the appeal was taken granted a motion filed by the Martin Class. The motion notes that Mr. Martin, the original class representative, is now deceased, but it represents that the superior court has appointed Lorraine Jackson as the replacement representative. Triem opposed the motion.

On 9/18/2020 Triem moved to identify Tagaban as the “lead appellant” in S-17767, arguing that Tagaban remained a party — and was therefore a proper appellant — despite having been removed as representative of the “Hanson class.” Triem contends in the alternative that if Tagaban was not already an appellant, he should be added as one because he remains a member of the Hanson class. He argues also that Arlene Hanson’s

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name should be removed as an appellee, as “she died in 2006.” Michael Heiser, attorney for the Hanson class, filed an opposition to Triem’s motion on behalf of “Arlene Hanson, et al.” KTC also opposed Triem’s motion.

On consideration of the Martin Class members’ 9/9/2020 Motion to be Identified as Appellees in S-17846, and the appellants 9/23/2020 opposition,

IT IS ORDERED that the motion is **GRANTED**. The Martin class was a named party in the superior court and should have been included as an appellee on appeal. The caption in S-17846 will be amended by deleting “Arlene Hanson, et al.” and substituting “Harold Martin, et al.”

On consideration of the appellants’ 9/18/2020 Motion to Identify Parties and to Correct the Caption, or [Alternative] Motion to Add Party on Appeal in S-17767, the Hanson class’s 10/5/2020 opposition, and KTC’s 9/25/2020 opposition,

IT IS ORDERED that the motion is **DENIED**.


Triem’s 9/18/2020 motion to accept late-filed opposition to the Martin Class members’ 9/9/2020 motion, and the Hanson class’s 9/28/2020 motion to extend time to file an opposition to the appellants’ 9/18/2020 motion, are **GRANTED**.

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This order is not intended to decide issues of standing or representation, which may be addressed in the parties' briefs as necessary. The Martin class and the Hanson class are encouraged to move to amend the caption with the names of the current serving class representatives, if any.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts


Mindi Johnson, Deputy Clerk

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